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NEGLIGENCE—PLACES ATTRACTIVE TO CHILDREN—GRAVES v. WASHINGTON WATER POWER CO., 87 PAC. 956 (WASH.). *Held*, that the fact that a public bridge was attractive to boys did not render an electric company liable for injuries to a boy received while climbing up a pier, and caused by touching one of the company's live wires.

This case brings up the exceptions which it has been attempted to ingraft upon the general rule that a landowner is under no duty to a mere trespasser to keep his premises safe, *Chicago K. & W. R. Co.*, 53 Kan. 279; *Gay v. Essex Electric St. R. Co.*, 159 Mass. 238; and upon the further principle that the fact that the trespasser is a child does not raise a duty where none otherwise exists, *Ritz v. Wheeling*, 45 W. Va. 262; *Frost v. Eastern R. R.*, 64 N. H. 220. This rule has been modified in some jurisdictions by decisions which declare that a property owner is liable when he has upon his premises machinery at once dangerous and attractive to children in places where they are likely to go. *Sioux City S. P. R. Co. v. Stout*, 17 Wall. 657; *Keefe v. Milwaukee & St. P. R. Co.*, 21 Minn. 207. But the doctrine of these so-called "Turntable Cases" has been sharply criticised and the tendency at present is to apply it with extreme strictness; *Twist v. Winona & St. P. R. Co.*, 39 Minn. 164; *Overholt v. Vieths*, 93 Mo. 422. Some courts have even gone so far as to repudiate this doctrine entirely and hold that the youth of a trespasser is not to be taken into consideration. *Daniels v. N. Y. & N. E. R. Co.*, 154 Mass. 349; *Walsh v. Railroad Co.*, 145 N. Y. 301.

NUISANCE—INJUNCTION—CONFLICT OF EVIDENCE.—SELIGMAN v. VICTOR TALKING MACH. CO. 63 ATL. 1093 (N. J.). *Held*, an injunction should issue restraining the operation during the night of a manufacturing plant, which is proved to have prevented the plaintiff and his family from sleeping because of noises and vibrations produced by the machinery, even though residents in the same vicinity were not so affected.

The decisions on this question, as to when an injunction will be granted are not entirely in harmony. An injunction will issue to restrain the operation of steam machinery which jars and shakes the complainant's house so as to render it unsafe or unfit for habitation. *Dittman v. Repp*, 50 Md. 516. It is sufficient if the nuisance render life uncomfortable. *Howard v. Lee*, 3 Sandf. 281; *Catlin et. al. v. Valentine*, 9 Paige 575. Some courts hold that if the evidence be conflicting, and the injury be doubtful, that will constitute a ground for withholding the injunction. *Newark Aqueduct Board v. City of Passaic*, 18 Atl. 106; *McCaffrey's Appeal*, 105 Penn. 253; *Dumesnil v. Dupont*, 57 Ky. 800. In line with the case under consideration, it was held in *Filson v. Crawford et. al.*, 5 N. Y. Supp. 882, that the injury sustained because of the stamping of horses in defendant's stable was an actionable nuisance, though several witnesses testified that they heard little or no noise coming from the stable. *Rogers v. Elliott*, 146 Mass. 349 holds that the probable effect of the sound upon ordinary persons, and not upon a particular person, is the criterion upon which the granting of an injunction is to be determined.

PARDON—CONDITIONAL RELEASE—RE-ARREST—STATE v. HORNE, 42 So. 388 (FLA.).—*Held*, where a prisoner has accepted a conditional pardon and has been released from imprisonment by virtue thereof, but has violated or failed to perform the conditions subsequent, such pardon becomes absolutely void and the criminal may be re-arrested and compelled to undergo the remainder